

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

SAVE OUR SCHOOL: ELMHURST)	
HIGH SCHOOL, an Indiana)	
unincorporated association,)	
)	
Plaintiff)	CASE NO. 1:10-CV-147 RM
)	
vs.)	
)	
FORT WAYNE COMMUNITY SCHOOLS)	
and FORT WAYNE COMMUNITY)	
SCHOOLS BOARD OF SCHOOL)	
TRUSTEES,)	
)	
Defendants)	

OPINION AND ORDER

After removing this case to federal court, the defendants moved to dismiss the complaint under Fed. R. Civ. P. 12(b)(6) [Doc. No. 6]. In lieu of a response, plaintiffs filed an amended complaint, deleting the federal claim that was the basis for removal, and moved to remand the case to state court [Doc. No. 13]. The defendants objected and filed a second motion to dismiss [Doc. No. 14], asking the court to retain jurisdiction over the supplemental state claims and dismiss the case in its entirety with prejudice.[Doc. No. 13].

Federal jurisdiction is properly determined at the time of removal and, as a general rule, nothing filed after removal affects the court's jurisdiction. In re Burlington Northern Santa Fe Ry. Co., __ F.3d __, 2010 WL 1980172 (7th Cir. May

19, 2010). The court could retain supplemental jurisdiction over the remaining state law claims, but believes the interests of justice would best be served in this case by relinquishing jurisdiction over those claims. Wright v. Associated Ins. Cos. 29 F.3d 1244, 1251 (7th Cir. 1994)(“when all federal claims are dismissed before trial, the district court should relinquish jurisdiction over pendent state-law claims rather than resolving them on the merits”); *see also* Davis v. Cook County, 534 F.3d 650, 654 (7th Cir. 2008). The case is in its infancy, the statute of limitations isn’t an issue, and substantial judicial resources have yet to be committed. Whether the plaintiffs have presented viable claims under state law is a matter better left to the state courts.

Accordingly, the case is DISMISSED without prejudice, and the motion to remand [Doc. No. 13] and motions to dismiss [Doc. Nos 6 and 14] are DENIED as moot.

SO ORDERED.

ENTERED: June 10, 2010

/s/ Robert L. Miller, Jr.
Judge
United States District Court